THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.820 of 2006

Dated: 26-09-2006

Between:

Smt. Sharifa Bee and another.

..... PETITIONERS

AND

The District Collector, Kurnool and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.820 of 2006

ORDER:

The two petitioners are residents of Bhudavarapeta, Kurnool. They filed the instant writ petition seeking a writ of Mandamus declaring the action of respondent Nos.1 to 3 in permitting respondent Nos.4 to 6 to raise huts in the subject land admeasuring Ac.0.12 cents in survey No.320/1/B/3B and Ac.0.06 cents in survey No.317/3B situated at Bhudavarapeta, Kurnool, as illegal and arbitrary. They also seek a direction to the official respondents to invoke the provisions of the Land Acquisition Act, 1894 (the Act, for brevity).

The petitioners claim to be the owners of subject land and other extents in the same survey numbers. They allege that respondent Nos.4 to 6 raised their huts with the permission of respondent Nos.1 to 3 and that without acquiring the subject land, the petitioners were deprived of the same. The petitioners also allege that no notice was issued to them nor any proceedings under the Act were initiated.

After getting instructions from respondent Nos.1 to 3, the learned Assistant Government Pleader for Revenue (General) submits that the land in survey No.320/1/B/3B is government land classified as canal poramboke land and necessary steps are being initiated to evict the encroachers. He further submits that the land in survey No.317/3B is patta land and if the petitioners claim the same they have to seek eviction of the encroachers before the civil Court as the revenue officials cannot take any action against the encroachers of patta land. In view of this, in stead of keeping the writ petition pending, the same is disposed of directing the Mandal Revenue Officer, Kurnool, respondent No.3, to initiate action under the provisions of the Andhra Pradesh Land Encroachment Act, 1905, against the encroachers in occupation of canal poramboke land immediately. Liberty is also given to the petitioners to approach the civil Court for eviction of any encroachers who are squatting on the land allegedly belonging to the petitioners. No costs.

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(**V.V.S.RAO, J**)

26th September, 2006

Note: Office to dispatch a copy of this order in one week.

B/o

ghn